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Federal Communications Commission  
Office of Secretary

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
)  
Amendment of Section 73.202(b), )  
FM Table of Allotments )  
For FM Broadcast Stations. )  
)  
(Old Forge and Black River, New York) )

MB Docket No. \_\_\_\_\_  
RM- \_\_\_\_\_

To: Office of the Secretary, to forward to  
Assistant Chief (Allocations), Audio Division

PETITION FOR RULEMAKING

Radioactive, LLC ("Radioactive"), the holder, pursuant to the winning bid in Auction No. 37, of a construction permit to build a new FM station on Channel 223A, Old Forge, New York, FCC File No. BNPH-20050103AFU (Facility ID No. 164250) (the "Permit"), by its attorneys and pursuant to Section 1.420(i) of the Commission's Rules, hereby respectfully petitions the Commission to:

(a) modify the Commission's Table of Allotments for FM Broadcast Stations (Section 73.202 of the Commission's Rules) to (i) delete Channel 223A from Old Forge, New York, and (ii) add Channel 223A to Black River, New York; and (b) modify the Permit to specify operation on Channel 223A at Black River, New York, in lieu of operation on Channel 223A at Old Forge, New York (collectively, the "Proposal").

In reviewing a proposed change to the FM Table of Allotments, the Commission considers whether the proposal would serve one or more of the

No. of Filings rec'd 074  
Not a Rule  
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Commission's four allotment priorities. 1/ Here, grant of the Proposal would satisfy the third allotment priority by authorizing a first local aural transmission service at Black River, New York.

Commission precedent holds that a community that is a Census-designated place or that is incorporated presumptively qualifies as a community for allotment purposes and thereby merits its own local transmission service. 2/ Black River meets both criteria: Black River has been designated as an incorporated place in the 2000 Census 3/ and is incorporated.

Black River's other characteristics likewise demonstrate that it deserves its own local transmission service. Black River, which had a 2000 Census population of 1,285 persons, is designated as a "village" by New York State. 4/ Incorporated in 1891, Black River is governed by a Village Board, comprised of a mayor, a deputy mayor, and several trustees, and employs a Village Clerk. 5/ The Village provides its residents with public services such as water and sewer, and the

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1/ See *Parker & Port St. Joe R&O*, 11 FCC Rcd 1095, 1095 (¶ 4) (1996). The four allotment priorities are: (i) one full-time aural reception service to a community; (ii) a second full-time aural reception service to a community; (iii) one local transmission service to a community; or (iv) other public interest factors. *Id.* The second and third criteria have equal priority.

2/ See e.g., *Cleveland and Ebenezer, Mississippi*, 10 FCC Rcd 8807 at ¶ 6 (Allocations Br. 1995) ("The Commission's long standing policy is to allot channels to communities composed of geographically identifiable population groupings. This requirement is generally satisfied if the community is either incorporated or listed in the U.S. Census."); *Reydon, Oklahoma*, 18 FCC Rcd 3222 at ¶ 2 (Ass't Chief, Audio Div., released Mar. 4, 2003).

3/ See U.S. Census Bureau, Census 2000, <http://censtats.census.gov/data/NY/1603677772.pdf> (copy at Exhibit 1).

4/ See Exhibit 1.

5/ See the Black River website at <http://www.blackriveryny.org> (copy at Exhibit 2).

Village has its own volunteer fire department and ambulance squad. 6/ Black River has its own zip code (13612) and post office. 7/ The Black River Elementary (part of the Carthage Central School District) is located within the community 8/ and the Village also has a public library called the Black River Free Library. 9/ Black River has a plethora of local businesses that serve its residents' needs (including some that include "Black River" in their names, such as Black River Tree Removal). 10/ In addition, there are civic groups, such as the American Legion, and at least six churches in Black River. 11/ The availability of "wallpaper" and "screensavers" on the Village's website, which feature picturesque scenes of the Village of Black River, exemplify the pride its residents have in their community. 12/

Under Commission precedent, the presence of these civic, social, and business organizations confirm that Black River is a community deserving of its

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6/ See Exhibit 1. The Village of Black River recently received federal funding to upgrade the Village's water main. The Village's sewer system is part of an intermunicipal partnership, which is governed by the Black River Sewer Board. (See news articles at Exhibit 3.)

7/ See United States Postal Service website at <http://zip4.usps.com> and <http://switchboard.com> (copies at Exhibit 4).

8/ See the Black River Elementary School profile on the Carthage Central School District website at <http://www.carthagecsd.org/br> (copy at Exhibit 5). See also [http://lthorn13619.com/ruralschools/black\\_river.htm](http://lthorn13619.com/ruralschools/black_river.htm), which provides some historical information on education in the Village (copy at Exhibit 6).

9/ See <http://www.nc3r.org/ncls/libs/blr.txt> (copy at Exhibit 7).

10/ See Reference USA listing for Black River (copy at Exhibit 8).

11/ See *id.*

12/ See Exhibit 1.

own aural transmission service and that the Proposal would further the public interest in the fair, efficient and equitable distribution of radio services. 13/

The Technical Exhibit at Exhibit 9 demonstrates that the Proposal is consistent with the Commission's technical rules. 14/ A statement from Radioactive affirming that it will apply for the allotment if changed as proposed also is attached.

For the foregoing reasons, the Commission should issue a Notice of Proposed Rule Making to adopt the Proposal, and approve the proposed modification of the FM Table of Allotments and the Permit pursuant to Section 1.420(i) of the Commission's Rules. Expedited action on this request, which involves an unconstructed permit, is requested, so that new service to Black River may be promptly instituted.

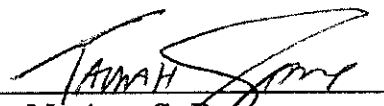
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13/ Since the Permit is not constructed, the Proposal would not result in a loss of existing local aural transmission service or aural reception services to Old Forge, the current community to which the construction permit for the Permit is assigned. *See, e.g. Chatom and Grove Hill, Alabama*, 12 FCC Rcd 7664 (Chief, Allocations Br. 1997) (the relocation of an unconstructed station does not present the concerns with loss of service represented by the removal of an operating station as it does not constitute a service that the public has become reliant upon); *see also Bagdad and Chino Valley, Arizona*, 11 FCC Rcd 523 (Chief, Allocations Br. 1995) (permitting a change of community of license for an unconstructed permit, without taking into consideration loss of service in Bagdad).

14/ As set forth in the Technical Exhibit (Exhibit 9), the 70 dBu contour of the Permit as proposed will not encompass any Urbanized Area as defined by the U.S. Census.

Respectfully submitted,

**RADIOACTIVE, LLC**

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Its Attorneys


June 8, 2005

## **DECLARATION**

I, Benjamin L. Homel, declare as follows:

1. I am President and Member of Radioactive, LLC ("Radioactive").
2. Radioactive intends to apply for a construction permit for Channel 223A at Black River, New York, upon adoption of the proposed rulemaking amending Section 78.202, Table of Allotments, FM Broadcast Stations (Old Forge and Black River, New York).
3. If awarded the construction permit for Channel 223A at Black River, New York, Radioactive will promptly construct and operate such facilities.

I hereby declare under penalty of perjury that the statements made in this declaration are true and accurate to the best of my knowledge, information and belief.

  
\_\_\_\_\_  
Benjamin L. Homel

Executed this 8<sup>th</sup> day of June, 2005.

**EXHIBIT 1**  
**(U.S. Census Bureau)**

**Table DP-1. Profile of General Demographic Characteristics: 2000**

Geographic area: Black River village, New York

[For information on confidentiality protection, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
<b>Total population</b> .....	<b>1,285</b>	<b>100.0</b>	<b>HISPANIC OR LATINO AND RACE</b>		
<b>SEX AND AGE</b>			<b>Total population</b> .....	<b>1,285</b>	<b>100.0</b>
Male.....	615	47.9	Hispanic or Latino (of any race).....	17	1.3
Female.....	670	52.1	Mexican.....	11	0.9
Under 5 years.....	76	5.9	Puerto Rican.....	1	0.1
5 to 9 years.....	100	7.8	Cuban.....	-	-
10 to 14 years.....	98	7.6	Other Hispanic or Latino.....	5	0.4
15 to 19 years.....	88	6.8	Not Hispanic or Latino.....	1,268	98.7
20 to 24 years.....	58	4.5	White alone.....	1,173	91.3
25 to 34 years.....	172	13.4	<b>RELATIONSHIP</b>		
35 to 44 years.....	223	17.4	<b>Total population</b> .....	<b>1,285</b>	<b>100.0</b>
45 to 54 years.....	189	14.7	In households.....	1,285	100.0
55 to 59 years.....	59	4.6	Householder.....	521	40.5
60 to 64 years.....	45	3.5	Spouse.....	294	22.9
65 to 74 years.....	99	7.7	Child.....	369	28.7
75 to 84 years.....	62	4.8	Own child under 18 years.....	302	23.5
85 years and over.....	16	1.2	Other relatives.....	42	3.3
Median age (years).....	37.4	(X)	Under 18 years.....	18	1.4
18 years and over.....	952	74.1	Nonrelatives.....	59	4.6
Male.....	445	34.6	Unmarried partner.....	23	1.8
Female.....	507	39.5	In group quarters.....	-	-
21 years and over.....	907	70.6	Institutionalized population.....	-	-
62 years and over.....	201	15.6	Noninstitutionalized population.....	-	-
65 years and over.....	177	13.8	<b>HOUSEHOLD BY TYPE</b>		
Male.....	71	5.5	<b>Total households</b> .....	<b>521</b>	<b>100.0</b>
Female.....	106	8.2	Family households (families).....	373	71.6
<b>RACE</b>			With own children under 18 years.....	168	32.2
One race.....	1,264	98.4	Married-couple family.....	294	56.4
White.....	1,182	92.0	With own children under 18 years.....	116	22.3
Black or African American.....	34	2.6	Female householder, no husband present.....	61	11.7
American Indian and Alaska Native.....	6	0.5	With own children under 18 years.....	42	8.1
Asian.....	35	2.7	Nonfamily households.....	148	28.4
Asian Indian.....	-	-	Householder living alone.....	122	23.4
Chinese.....	-	-	Householder 65 years and over.....	53	10.2
Filipino.....	4	0.3	Households with individuals under 18 years.....	183	35.1
Japanese.....	5	0.4	Households with individuals 65 years and over.....	128	24.6
Korean.....	19	1.5	Average household size.....	2.47	(X)
Vietnamese.....	-	-	Average family size.....	2.89	(X)
Other Asian <sup>1</sup> .....	7	0.5	<b>HOUSING OCCUPANCY</b>		
Native Hawaiian and Other Pacific Islander.....	-	-	<b>Total housing units</b> .....	<b>556</b>	<b>100.0</b>
Native Hawaiian.....	-	-	Occupied housing units.....	521	93.7
Guamanian or Chamorro.....	-	-	Vacant housing units.....	35	6.3
Samoan.....	-	-	For seasonal, recreational, or		
Other Pacific Islander <sup>2</sup> .....	-	-	occasional use.....	3	0.5
Some other race.....	7	0.5	Homeowner vacancy rate (percent).....	3.7	(X)
Two or more races.....	21	1.6	Rental vacancy rate (percent).....	5.2	(X)
<b>Race alone or in combination with one</b>			<b>HOUSING TENURE</b>		
<b>or more other races:</b> <sup>3</sup>			<b>Occupied housing units</b> .....	<b>521</b>	<b>100.0</b>
White.....	1,203	93.6	Owner-occupied housing units.....	339	65.1
Black or African American.....	49	3.8	Renter-occupied housing units.....	182	34.9
American Indian and Alaska Native.....	8	0.6	Average household size of owner-occupied units.....	2.68	(X)
Asian.....	37	2.9	Average household size of renter-occupied units.....	2.08	(X)
Native Hawaiian and Other Pacific Islander.....	-	-			
Some other race.....	9	0.7			

- Represents zero or rounds to zero. (X) Not applicable.

<sup>1</sup> Other Asian alone, or two or more Asian categories.<sup>2</sup> Other Pacific Islander alone, or two or more Native Hawaiian and Other Pacific Islander categories.<sup>3</sup> In combination with one or more of the other races listed. The six numbers may add to more than the total population and the six percentages may add to more than 100 percent because individuals may report more than one race.

Source: U.S. Census Bureau, Census 2000.



**Table DP-2. Profile of Selected Social Characteristics: 2000**

Geographic area: Black River village, New York

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
<b>SCHOOL ENROLLMENT</b>			<b>NATIVITY AND PLACE OF BIRTH</b>		
Population 3 years and over enrolled in school.....	321	100.0	Total population.....	1,286	100.0
Nursery school, preschool.....	19	5.9	Native.....	1,233	95.9
Kindergarten.....	21	6.5	Born in United States.....	1,198	93.2
Elementary school (grades 1-8).....	144	44.9	State of residence.....	906	70.5
High school (grades 9-12).....	72	22.4	Different state.....	292	22.7
College or graduate school.....	65	20.2	Born outside United States.....	35	2.7
<b>EDUCATIONAL ATTAINMENT</b>			Foreign born.....	53	4.1
Population 25 years and over.....	858	100.0	Entered 1990 to March 2000.....	12	0.9
Less than 9th grade.....	20	2.3	Naturalized citizen.....	36	2.8
9th to 12th grade, no diploma.....	76	8.9	Not a citizen.....	17	1.3
High school graduate (includes equivalency).....	274	31.9	<b>REGION OF BIRTH OF FOREIGN BORN</b>		
Some college, no degree.....	190	22.1	Total (excluding born at sea).....	53	100.0
Associate degree.....	118	13.8	Europe.....	10	18.9
Bachelor's degree.....	108	12.6	Asia.....	40	75.5
Graduate or professional degree.....	72	8.4	Africa.....	-	-
Percent high school graduate or higher.....	88.8	(X)	Oceania.....	-	-
Percent bachelor's degree or higher.....	21.0	(X)	Latin America.....	-	-
<b>MARITAL STATUS</b>			Northern America.....	3	5.7
Population 15 years and over.....	1,021	100.0	<b>LANGUAGE SPOKEN AT HOME</b>		
Never married.....	216	21.2	Population 5 years and over.....	1,205	100.0
Now married, except separated.....	645	63.2	English only.....	1,121	93.0
Separated.....	24	2.4	Language other than English.....	84	7.0
Widowed.....	60	5.9	Speak English less than "very well".....	29	2.4
Female.....	54	5.3	Spanish.....	22	1.8
Divorced.....	76	7.4	Speak English less than "very well".....	3	0.2
Female.....	42	4.1	Other Indo-European languages.....	28	2.3
<b>GRANDPARENTS AS CAREGIVERS</b>			Speak English less than "very well".....	4	0.3
Grandparent living in household with one or more own grandchildren under 18 years.....	36	100.0	Asian and Pacific Island languages.....	34	2.8
Grandparent responsible for grandchildren.....	9	25.0	Speak English less than "very well".....	22	1.8
<b>VETERAN STATUS</b>			<b>ANCESTRY (single or multiple)</b>		
Civilian population 18 years and over ..	870	100.0	Total population.....	1,286	100.0
Civilian veterans.....	189	21.7	Total ancestries reported.....	1,416	110.1
<b>DISABILITY STATUS OF THE CIVILIAN NONINSTITUTIONALIZED POPULATION</b>			Arab.....	3	0.2
Population 5 to 20 years.....	292	100.0	Czech <sup>1</sup> .....	-	-
With a disability.....	5	1.7	Danish.....	3	0.2
Population 21 to 64 years.....	639	100.0	Dutch.....	20	1.6
With a disability.....	87	13.6	English.....	219	17.0
Percent employed.....	64.4	(X)	French (except Basque) <sup>1</sup> .....	158	12.3
No disability.....	552	86.4	French Canadian <sup>1</sup> .....	32	2.5
Percent employed.....	78.4	(X)	German.....	185	14.4
Population 65 years and over.....	190	100.0	Greek.....	1	0.1
With a disability.....	88	46.3	Hungarian.....	11	0.9
<b>RESIDENCE IN 1995</b>			Irish <sup>1</sup> .....	271	21.1
Population 5 years and over.....	1,205	100.0	Italian.....	113	8.8
Same house in 1995.....	714	59.3	Lithuanian.....	2	0.2
Different house in the U.S. in 1995.....	468	38.8	Norwegian.....	4	0.3
Same county.....	288	23.9	Polish.....	26	2.0
Different county.....	180	14.9	Portuguese.....	3	0.2
Same state.....	54	4.5	Russian.....	22	1.7
Different state.....	126	10.5	Scotch-Irish.....	6	0.5
Elsewhere in 1995.....	23	1.9	Scottish.....	34	2.6
			Slovak.....	9	0.7
			Subsaharan African.....	5	0.4
			Swedish.....	11	0.9
			Swiss.....	15	1.2
			Ukrainian.....	3	0.2
			United States or American.....	63	4.9
			Welsh.....	16	1.2
			West Indian (excluding Hispanic groups).....	-	-
			Other ancestries.....	181	14.1

-Represents zero or rounds to zero. (X) Not applicable.

<sup>1</sup>The data represent a combination of two ancestries shown separately in Summary File 3. Czech includes Czechoslovakian. French includes Alsatian. French Canadian includes Acadian/Cajun. Irish includes Celtic.

Source: U.S. Bureau of the Census, Census 2000.

**Table DP-3. Profile of Selected Economic Characteristics: 2000**

Geographic area: Black River village, New York

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
<b>EMPLOYMENT STATUS</b>			<b>INCOME IN 1999</b>		
Population 16 years and over	1,002	100.0	Households	498	100.0
In labor force	666	66.5	Less than \$10,000	38	7.6
Civilian labor force	582	58.1	\$10,000 to \$14,999	38	7.6
Employed	551	55.0	\$15,000 to \$24,999	50	10.0
Unemployed	31	3.1	\$25,000 to \$34,999	64	12.9
Percent of civilian labor force	5.3	(X)	\$35,000 to \$49,999	77	15.5
Armed Forces	84	8.4	\$50,000 to \$74,999	134	26.9
Not in labor force	336	33.5	\$75,000 to \$99,999	57	11.4
Females 16 years and over	534	100.0	\$100,000 to \$149,999	31	6.2
In labor force	315	59.0	\$150,000 to \$199,999	1	0.2
Civilian labor force	302	56.6	\$200,000 or more	8	1.6
Employed	285	53.4	Median household income (dollars)	45,761	(X)
Own children under 6 years	86	100.0	With earnings	399	80.1
All parents in family in labor force	55	64.0	Mean earnings (dollars) <sup>1</sup>	52,506	(X)
<b>COMMUTING TO WORK</b>			With Social Security income	147	29.5
Workers 16 years and over	629	100.0	Mean Social Security income (dollars) <sup>1</sup>	10,433	(X)
Car, truck, or van -- drove alone	523	83.1	With Supplemental Security Income	17	3.4
Car, truck, or van -- carpooled	72	11.4	Mean Supplemental Security Income (dollars) <sup>1</sup>	4,988	(X)
Public transportation (including taxicab)	2	0.3	With public assistance income	21	4.2
Walked	16	2.5	Mean public assistance income (dollars) <sup>1</sup>	1,967	(X)
Other means	3	0.5	With retirement income	124	24.9
Worked at home	13	2.1	Mean retirement income (dollars) <sup>1</sup>	14,344	(X)
Mean travel time to work (minutes) <sup>1</sup>	16.9	(X)	Families	363	100.0
Employed civilian population 16 years and over	551	100.0	Less than \$10,000	10	2.8
<b>OCCUPATION</b>			\$10,000 to \$14,999	11	3.0
Management, professional, and related occupations	214	38.8	\$15,000 to \$24,999	30	8.3
Service occupations	112	20.3	\$25,000 to \$34,999	41	11.3
Sales and office occupations	103	18.7	\$35,000 to \$49,999	70	19.3
Farming, fishing, and forestry occupations	5	0.9	\$50,000 to \$74,999	110	30.3
Construction, extraction, and maintenance occupations	32	5.8	\$75,000 to \$99,999	54	14.9
Production, transportation, and material moving occupations	85	15.4	\$100,000 to \$149,999	28	7.7
<b>INDUSTRY</b>			\$150,000 to \$199,999	4	1.1
Agriculture, forestry, fishing and hunting, and mining	4	0.7	\$200,000 or more	5	1.4
Construction	19	3.4	Median family income (dollars)	54,236	(X)
Manufacturing	76	13.8	Per capita income (dollars) <sup>1</sup>	20,524	(X)
Wholesale trade	9	1.6	Median earnings (dollars):		
Retail trade	55	10.0	Male full-time, year-round workers	36,058	(X)
Transportation and warehousing, and utilities	23	4.2	Female full-time, year-round workers	26,458	(X)
Information	12	2.2			
Finance, insurance, real estate, and rental and leasing	34	6.2	<b>POVERTY STATUS IN 1999</b>		
Professional, scientific, management, administrative, and waste management services	31	5.6	Families	11	3.0
Educational, health and social services	130	23.6	With related children under 18 years	11	6.4
Arts, entertainment, recreation, accommodation and food services	61	11.1	With related children under 5 years	4	7.3
Other services (except public administration)	29	5.3	Families with female householder, no husband present	7	18.4
Public administration	68	12.3	With related children under 18 years	7	24.1
<b>CLASS OF WORKER</b>			With related children under 5 years	2	40.0
Private wage and salary workers	359	65.2	Individuals	77	6.1
Government workers	145	26.3	18 years and over	60	6.3
Self-employed workers in own not incorporated business	43	7.8	65 years and over	13	6.8
Unpaid family workers	4	0.7	Related children under 18 years	17	5.4
			Related children 5 to 17 years	10	4.2
			Unrelated individuals 15 years and over	47	24.7

-Represents zero or rounds to zero. (X) Not applicable.

<sup>1</sup>If the denominator of a mean value or per capita value is less than 30, then that value is calculated using a rounded aggregate in the numerator. See text.

Source: U.S. Bureau of the Census, Census 2000.

**Table DP-4. Profile of Selected Housing Characteristics: 2000**

Geographic area: Black River village, New York

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
<b>Total housing units</b> .....	<b>561</b>	<b>100.0</b>	<b>OCCUPANTS PER ROOM</b>		
<b>UNITS IN STRUCTURE</b>			Occupied housing units .....	<b>523</b>	<b>100.0</b>
1-unit, detached .....	371	66.1	1.00 or less .....	517	98.9
1-unit, attached .....	7	1.2	1.01 to 1.50 .....	4	0.8
2 units .....	35	6.2	1.51 or more .....	2	0.4
3 or 4 units .....	42	7.5			
5 to 9 units .....	26	4.6	<b>Specified owner-occupied units</b> .....	<b>304</b>	<b>100.0</b>
10 to 19 units .....	20	3.6	<b>VALUE</b>		
20 or more units .....	30	5.3	Less than \$50,000 .....	28	9.2
Mobile home .....	30	5.3	\$50,000 to \$99,999 .....	202	66.4
Boat, RV, van, etc .....	-	-	\$100,000 to \$149,999 .....	67	22.0
			\$150,000 to \$199,999 .....	7	2.3
<b>YEAR STRUCTURE BUILT</b>			\$200,000 to \$299,999 .....	-	-
1999 to March 2000 .....	5	0.9	\$300,000 to \$499,999 .....	-	-
1995 to 1998 .....	4	0.7	\$500,000 to \$999,999 .....	-	-
1990 to 1994 .....	44	7.8	\$1,000,000 or more .....	-	-
1980 to 1989 .....	44	7.8	Median (dollars) .....	78,000	(X)
1970 to 1979 .....	65	11.6			
1960 to 1969 .....	40	7.1	<b>MORTGAGE STATUS AND SELECTED</b>		
1940 to 1959 .....	106	18.9	<b>MONTHLY OWNER COSTS</b>		
1939 or earlier .....	253	45.1	With a mortgage .....	209	68.8
<b>ROOMS</b>			Less than \$300 .....	-	-
1 room .....	2	0.4	\$300 to \$499 .....	10	3.3
2 rooms .....	8	1.4	\$500 to \$699 .....	34	11.2
3 rooms .....	52	9.3	\$700 to \$999 .....	66	21.7
4 rooms .....	75	13.4	\$1,000 to \$1,499 .....	80	26.3
5 rooms .....	76	13.5	\$1,500 to \$1,999 .....	14	4.6
6 rooms .....	99	17.6	\$2,000 or more .....	5	1.6
7 rooms .....	92	16.4	Median (dollars) .....	945	(X)
8 rooms .....	66	11.8	Not mortgaged .....	95	31.3
9 or more rooms .....	91	16.2	Median (dollars) .....	353	(X)
Median (rooms) .....	6.2	(X)	<b>SELECTED MONTHLY OWNER COSTS</b>		
<b>Occupied housing units</b> .....	<b>523</b>	<b>100.0</b>	<b>AS A PERCENTAGE OF HOUSEHOLD</b>		
<b>YEAR HOUSEHOLDER MOVED INTO UNIT</b>			<b>INCOME IN 1999</b>		
1999 to March 2000 .....	105	20.1	Less than 15.0 percent .....	134	44.1
1995 to 1998 .....	112	21.4	15.0 to 19.9 percent .....	55	18.1
1990 to 1994 .....	83	15.9	20.0 to 24.9 percent .....	49	16.1
1980 to 1989 .....	90	17.2	25.0 to 29.9 percent .....	22	7.2
1970 to 1979 .....	83	15.9	30.0 to 34.9 percent .....	10	3.3
1969 or earlier .....	50	9.6	35.0 percent or more .....	34	11.2
			Not computed .....	-	-
<b>VEHICLES AVAILABLE</b>			<b>Specified renter-occupied units</b> .....	<b>174</b>	<b>100.0</b>
None .....	23	4.4	<b>GROSS RENT</b>		
1 .....	180	34.4	Less than \$200 .....	33	19.0
2 .....	250	47.8	\$200 to \$299 .....	23	13.2
3 or more .....	70	13.4	\$300 to \$499 .....	42	24.1
			\$500 to \$749 .....	45	25.9
<b>HOUSE HEATING FUEL</b>			\$750 to \$999 .....	19	10.9
Utility gas .....	309	59.1	\$1,000 to \$1,499 .....	7	4.0
Bottled, tank, or LP gas .....	10	1.9	\$1,500 or more .....	-	-
Electricity .....	95	18.2	No cash rent .....	5	2.9
Fuel oil, kerosene, etc .....	77	14.7	Median (dollars) .....	464	(X)
Coal or coke .....	-	-			
Wood .....	30	5.7	<b>GROSS RENT AS A PERCENTAGE OF</b>		
Solar energy .....	-	-	<b>HOUSEHOLD INCOME IN 1999</b>		
Other fuel .....	2	0.4	Less than 15.0 percent .....	45	25.9
No fuel used .....	-	-	15.0 to 19.9 percent .....	32	18.4
			20.0 to 24.9 percent .....	36	20.7
<b>SELECTED CHARACTERISTICS</b>			25.0 to 29.9 percent .....	18	10.3
Lacking complete plumbing facilities .....	-	-	30.0 to 34.9 percent .....	6	3.4
Lacking complete kitchen facilities .....	-	-	35.0 percent or more .....	32	18.4
No telephone service .....	2	0.4	Not computed .....	5	2.9

-Represents zero or rounds to zero. (X) Not applicable.

Source: U.S. Bureau of the Census, Census 2000.

## **EXHIBIT 2**

**(Village of Black River Website)**

# The Village Of Black River NY

Please be patient, links with pictures take longer to load.



Village Employee Achievements

Events & Newsletter

Village Employees

Our DPW

Recycle & Garbage

Local Services

Future Bridge

Present & Future Bridge pictures

Library Hours and Future  
Library plans

Local Links

Birth & Death Certificates

Zoning Permit Application

Black River ScreenSavers

Past History of Black River

Black River Map 1864

Black River Pictures

We are pleased to welcome you to our new site. If there are any suggestions please let us know. Click on the links to the left, for any information you may be interested in.

Please sign our guest book below.

Thank You

Black River, NY 75°F  
June 5 2005 10:55 AM (more)

GUEST BOOK

● Sign In ● View Entries

2971



# Great Achievements

A great award was given to our  
DPW Supervisor Karl Vebber.  
He has been chosen to receive

## THE WATER SYSTEM OF THE YEAR AWARD

New York State Rural Water Association  
has around 900 members, with most systems  
serving populations of 10,000 or less.

NY along with most  
other states are affiliated with  
National Rural Water Association.

Karl was picked out  
of 900 members, WOW.....  
what an honor.

We are very proud of him, and thank him for  
the best drinking water in New York.  
We are very ELUCKY to have such a dedicated  
employee.

Congratulations Karl!!

Other licences our DPW  
have to work for.

## For Water Treatment

Steve and Karl are required to hold both a  
Class IIB and Class D license issued by the  
NYS Dept. of Health. They must be  
recertified every 3 years and are required to  
have completed a minimum of 30 contact  
hours of training (or 3 CEU's) to renew our  
licenses.

## To Treat Black Flies

Steve and Les both had to successfully  
complete a 40 hour DEC course to become  
Technicians to apply the Bti and work with a  
licensed Applicator. After 3 years of  
experience, they applied for and were  
granted Applicator status by the DEC. They  
must complete a minimum of 16 contact  
hours of training to renew their licenses.  
Interestingly, while we treat Felts Mills Creek  
and several other streams, we were the first  
to treat the Black River and it is currently the  
2nd largest waterway treated in the Eastern  
United States. We treat the river  
approximately every two weeks from late  
April through the end of September.



# VILLAGE INFORMATION

## Village Board

### Mayor

Doris McLallen

### Deputy Mayor

Lee Carpenter

### Trustees

Lou A. Cesario  
Bridget Grimm  
Patrick Leddy

## Planning Board

### Chair

William Ebersbach

### Vice Chair

Michael Montigelli

Nancy Chirico  
John Cook  
Cynthia Frederick  
Michael Semrau  
Charles Stafford

## Zoning Board of Appeals

### Chair

Shirley Clary

Sean Hennessey  
Greg Hudson  
Adam Odett  
Shelby Wilkinson

## Village Clerk

Kathie B. Montigelli  
Phone (315) 773-5721  
Fax (315) 773-5726

## Superintendent of

### Public Works

Karl J. Vebber  
(315) 773-5721

**Code Enforcement Officer**

Dave Lachenauer  
(315) 773-5721

**Assistant Superintendent of  
Public Works**

Steve Lillie

**Dog Control Officer**

Steve Lillie  
(315)-773-7668

**Department Staff**

Les Williams

**Village Historian**

William Reichard  
(315)-773-5179

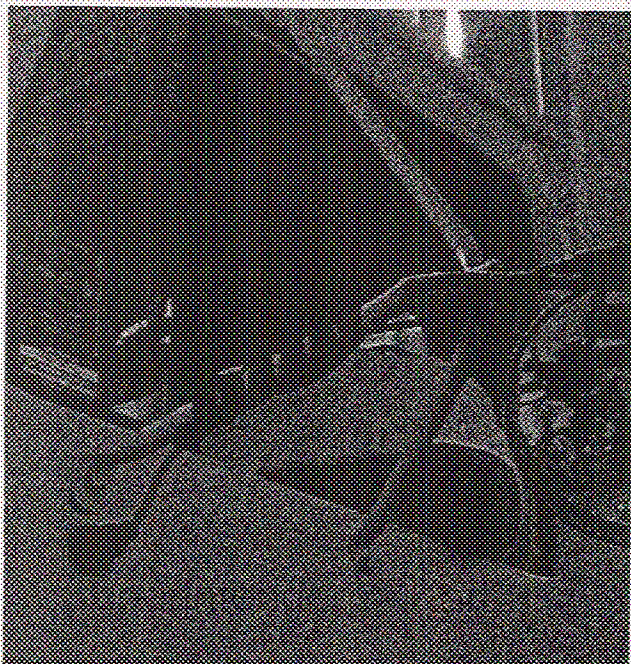
**Registrar of Vital Statistics**

Kathie B. Montigelli  
(315)-773-5721

## Recognized Village Holidays

New Year's Day  
Martin Luther King Day  
Good Friday  
Memorial Day  
July 4th  
Labor Day  
Columbus day  
Veteran's day  
Thanksgiving  
Christmas Day







Click below on  
how to recycle

Recycle 2

## Recycling

Recycling is first and 3rd Thursday of the month, unless it falls on a holiday, then it will be picked up Friday. Please put glass, newspaper, cans, brown paper and paper in separate plastic containers, not plastic grocery bags.

## Garbage



Garbage pick up is Monday, or Tuesday if holiday falls on Monday. Please only household garbage, and use only clear garbage bags, in COVERED containers.



Save tree cuttings and other large items for Fall or Spring clean up, to save on disposal cost. If you see anyone misusing our garbage and clean up, please report it to the DPW. In the past, we have had outsiders bring in there unwanted items, your taxes are paying for this service. So Keep your eyes open.  
Thank You for your cooperation.

# Recognized Village Holidays

New Year's Day  
Martin Luther King Day  
President's Day  
Good Friday  
Memorial Day  
July 4th  
Labor Day  
Veteren's Day  
Columbus Day  
Thanksgiving  
Christmas Day

## Black River's Local Services

American Legion Post 673 315-773-5768

911

Black River Fire Department (Needing Volunteers)  
Black River Ambulance Squad

Beauty Salons

Cindy Cerow's Beauty Shop 315-773-2249  
Luanne's Hair Salon 315-773-2322

Barber Shop

L. A. Cesario's Barber Shop 315-773-2658

Churches

Black River United Methodist 315-773-5015  
First Baptist Church 315-773-4091  
St Johns Episcopal 315-773-4047  
St Pauls Catholic 315-7735672

Dental

Dr Vincent Cesario Jr 315-7734204

Funeral Home

Bruce Funeral Home 315-773-5932

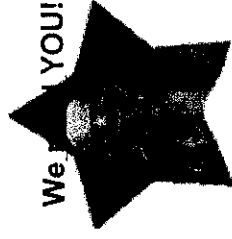
Grocer's

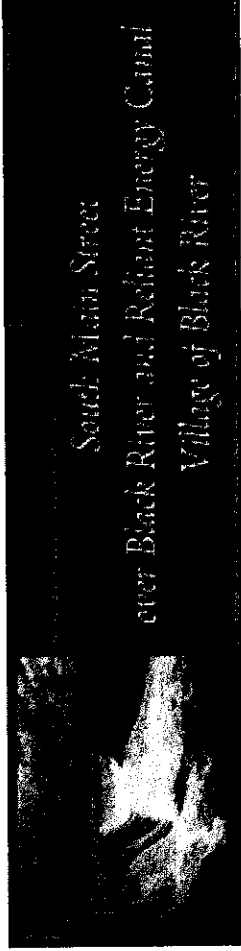
Stewarts 315-773-5061

Real Estate

Humes Realty & Appraisal Svc. 315-773-5947

<http://www.blackriverny.org/Villageservices.html>





Public Information | Schedule | Location | Project Information | Contact Information

## Welcome to the project!

Welcome to the Main Street over Black River bridge and highway project in the Village of Black River, Jefferson County. This site is intended to be a source of information for interested parties. As the project progresses, updated information on public information meetings, construction schedules, and progress will be posted.

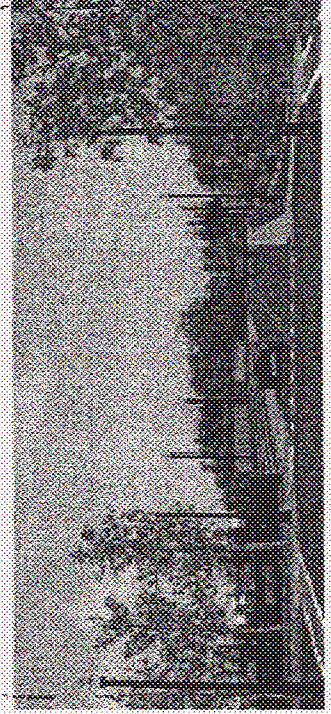
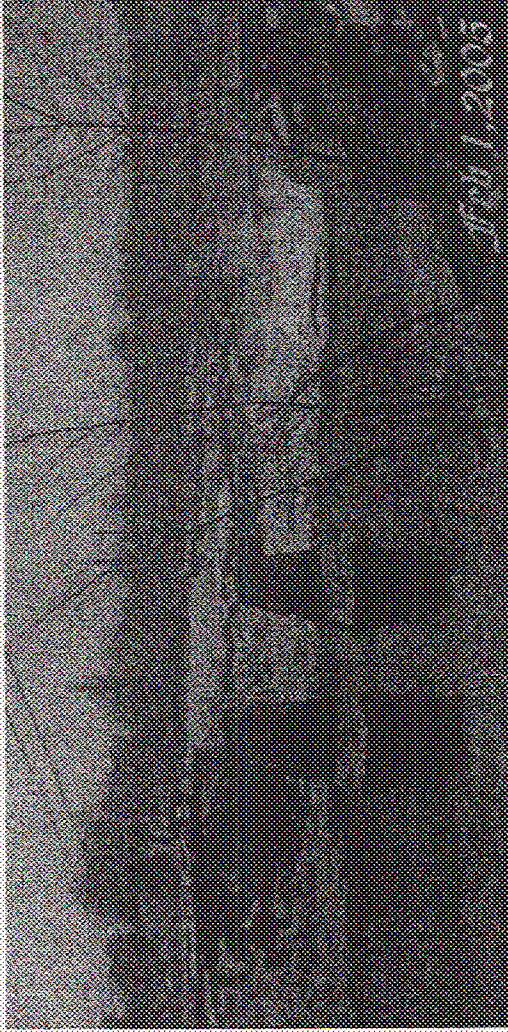
We had a great turnout at our second Public Information Meeting that was held on January 16, 2003. It is wonderful to see the amount of interest the public has in this project. For a re-cap of what was discussed at the PIM, please visit the [Project Information page](#). As a reminder, you are encouraged to fill out the comment forms handed out at the PIM. These forms provide an opportunity for the public to voice their opinion (positive or negative). Additional comment forms in PDF format can be found [HERE](#).

Some documents on this site are in Adobe PDF format. If you do not have Adobe Acrobat Reader, please [download it here](#).

Agency Login







# Library Hours

Librarian: Mrs Sandra Lamb

[Home](#)



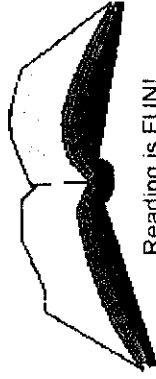
## Monday

2:00 Pm-6:00Pm

[See Future Library Plans Below](#)

## Tuesday

2:00Pm-5:00Pm  
6:30Pm-8:00Pm



## Wednesday

1:00Pm-5:00Pm

## Thursday

3:00Pm-5:00Pm

## Friday

10:00Am-1:00Pm  
3:00Pm-5:00Pm

## Saturday

9:00Am-1:00Pm

Closed Saturdays from  
Memorial Day-Labor Day

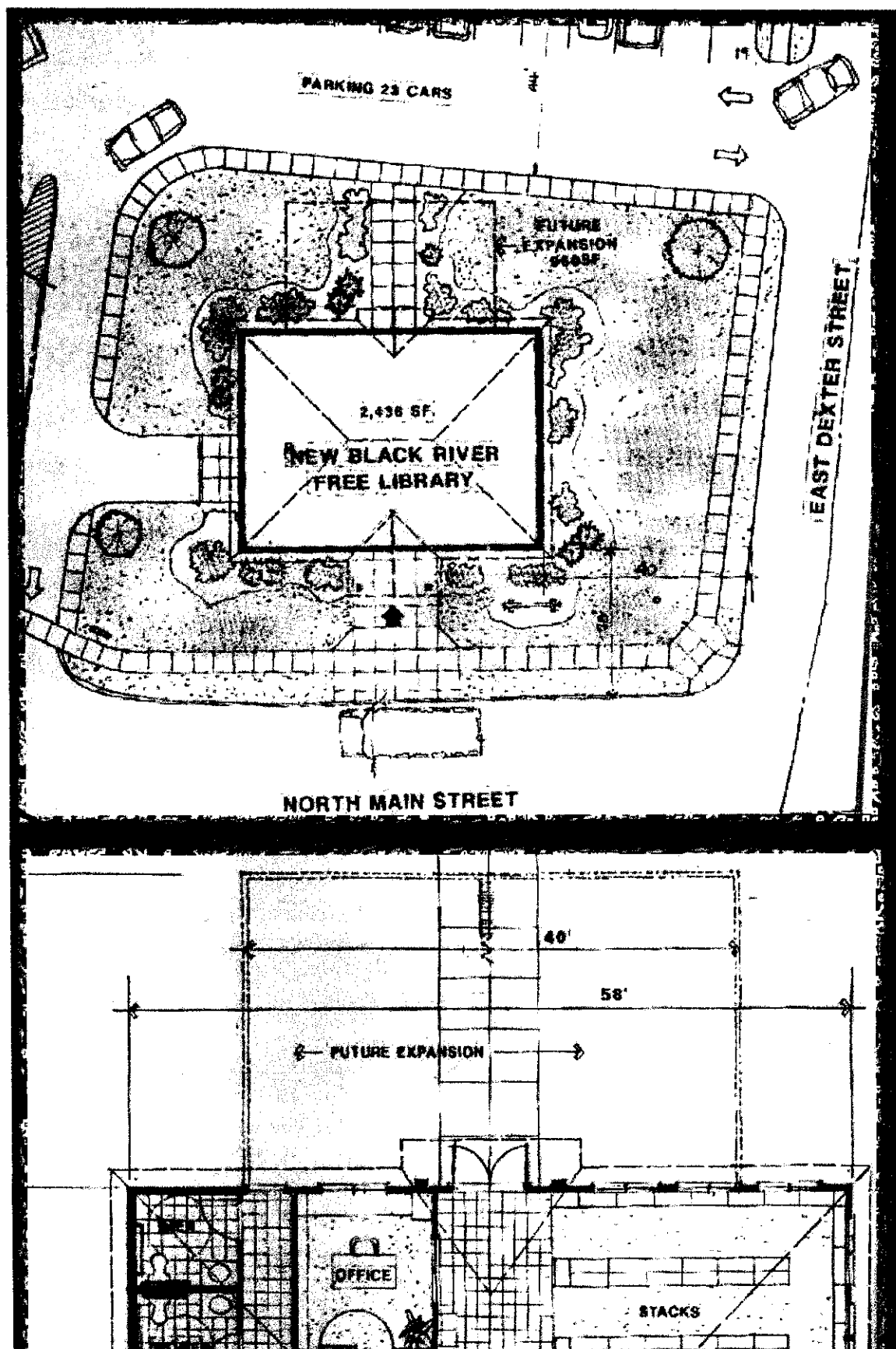
**Donations are greatly appreciated.**

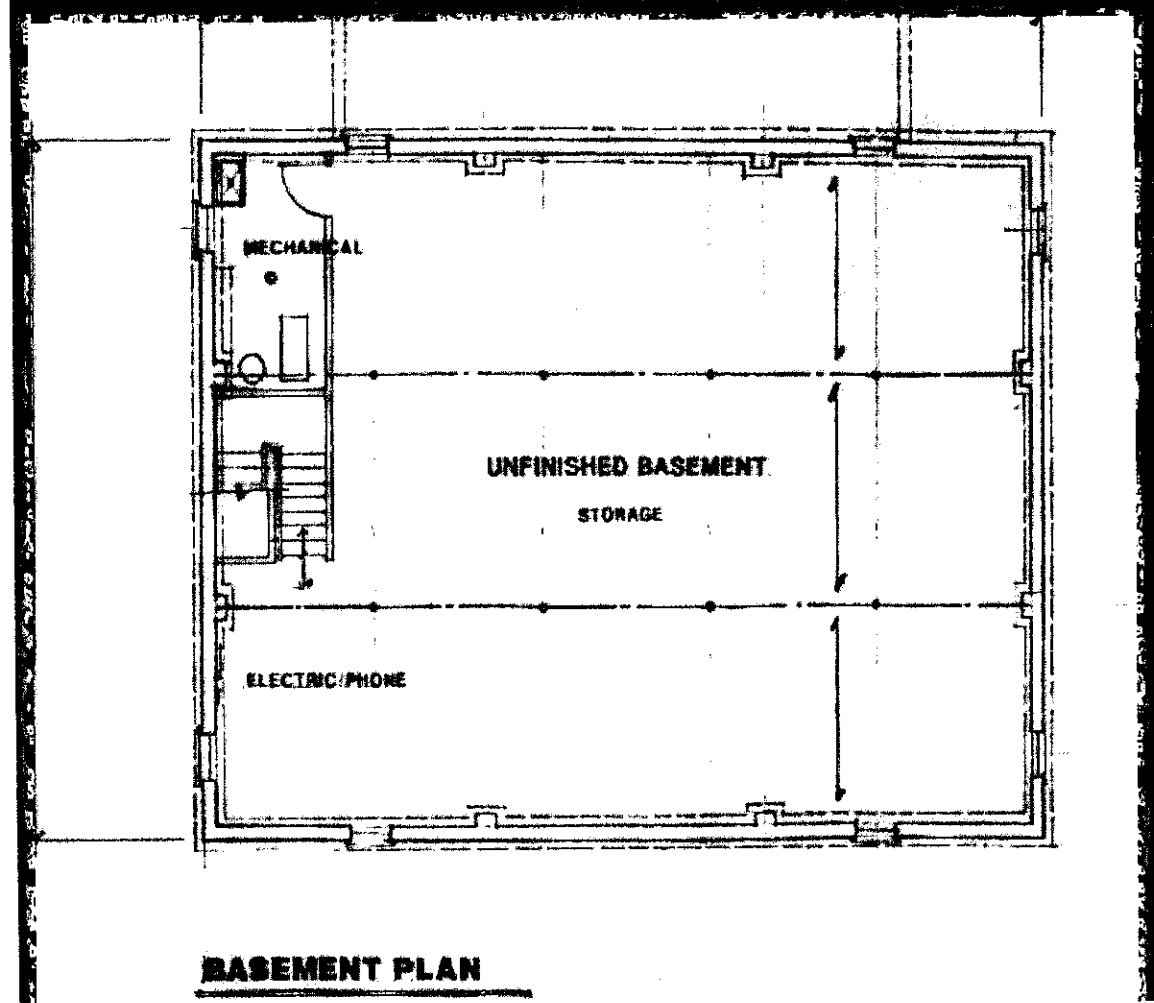
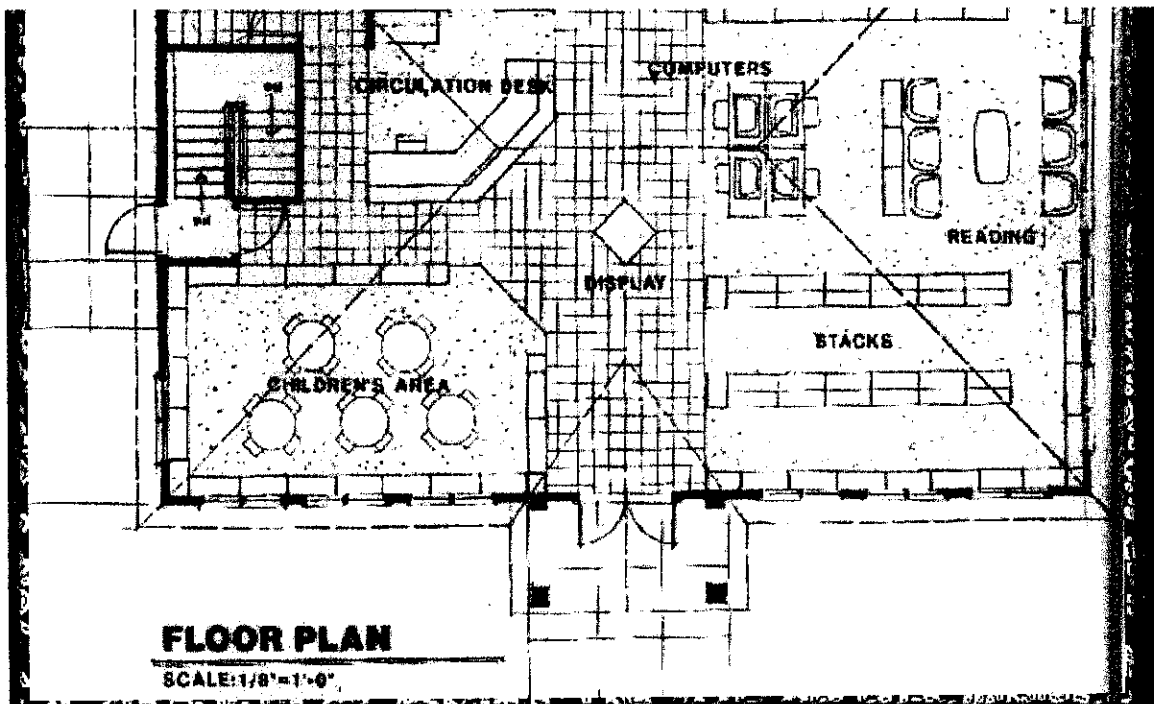








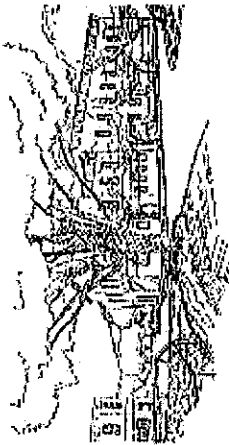




This will take time to download so be patient PLEASE!

BOARD OF TRUSTEES

## Village of Black River, New York



### Village of Black River Application for a Building and/or Zoning Permit

#### Instructions

- A. This application must be completed in ink or typewritten.
- B. A plot plan of the project must be submitted with the application showing property lines, lot size, and distances to the project.
- C. A complete set of plans showing the construction work must be submitted, showing structural details, mechanical and septic system layout, electrical, plumbing and any other information that may be required to make a determination that the project meets the Village Codes.
- D. No work shall begin until the application is approved.
- E. Upon approval of this application, a zoning or building permit will be issued.
- F. No building shall be occupied in whole or part until a certificate of occupancy has been issued.
- G. If this project does not meet the zoning code you may be required to apply for a variance.

Name of Applicant \_\_\_\_\_

Job Site Address \_\_\_\_\_

Name of Owner \_\_\_\_\_

Mailing Address \_\_\_\_\_

Phone Number. Day \_\_\_\_\_ Night \_\_\_\_\_

***This is safe to load. Click on screen you want.  
When asked, click save, save to desktop.  
When you want to have the screensaver on,  
just click on Screensaver, which will be on  
desktop. This is the only way I was able to  
program this, on our site. Hope you enjoy it.***

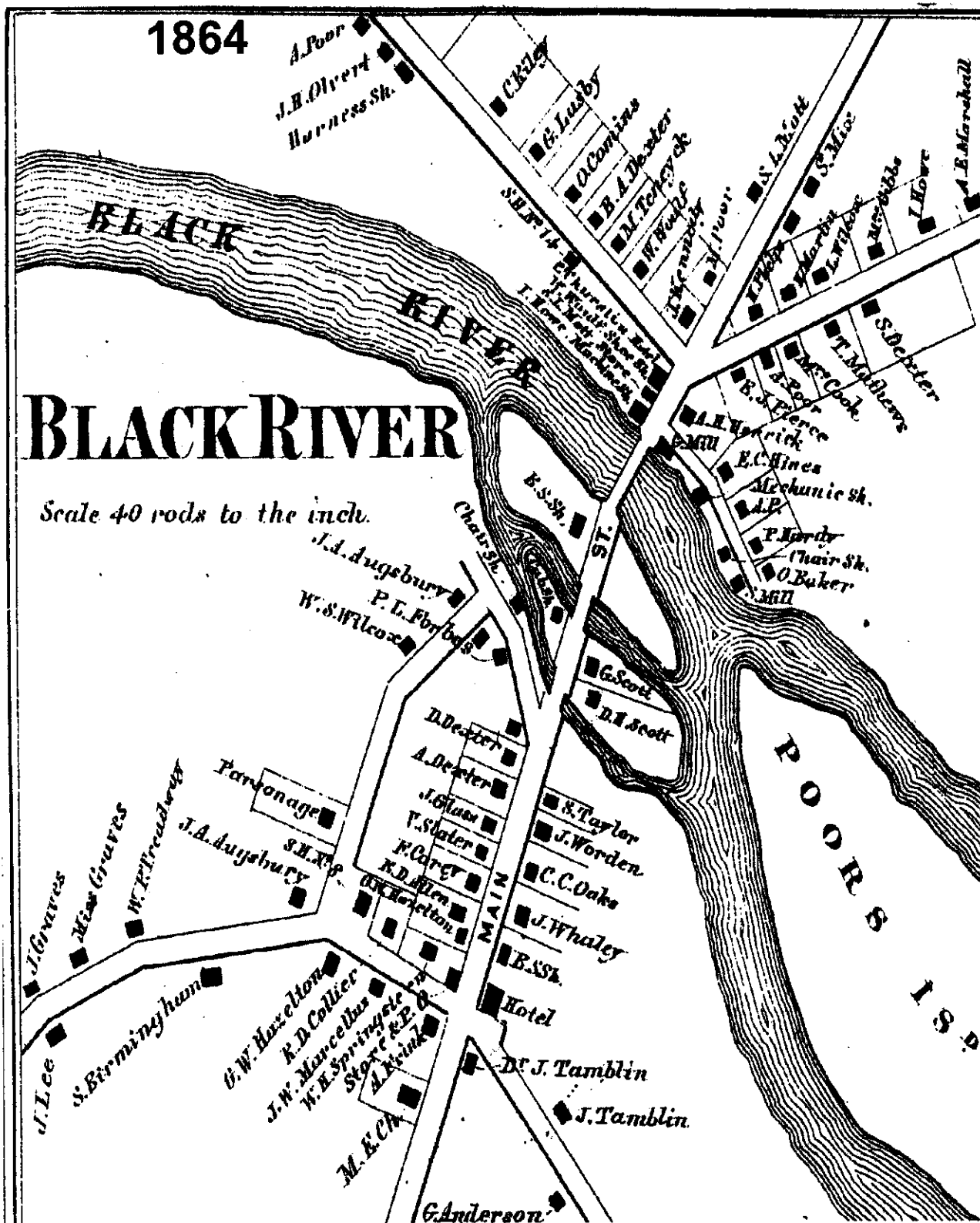


[winter.scr](#)

[Click here for wallpaper](#)



[Black\\_River\\_Fall\\_ScreenSaver.scr](#)



**Please Click Links below for pretty spots around Town!**

Picture 1

Picture 6

Picture 2

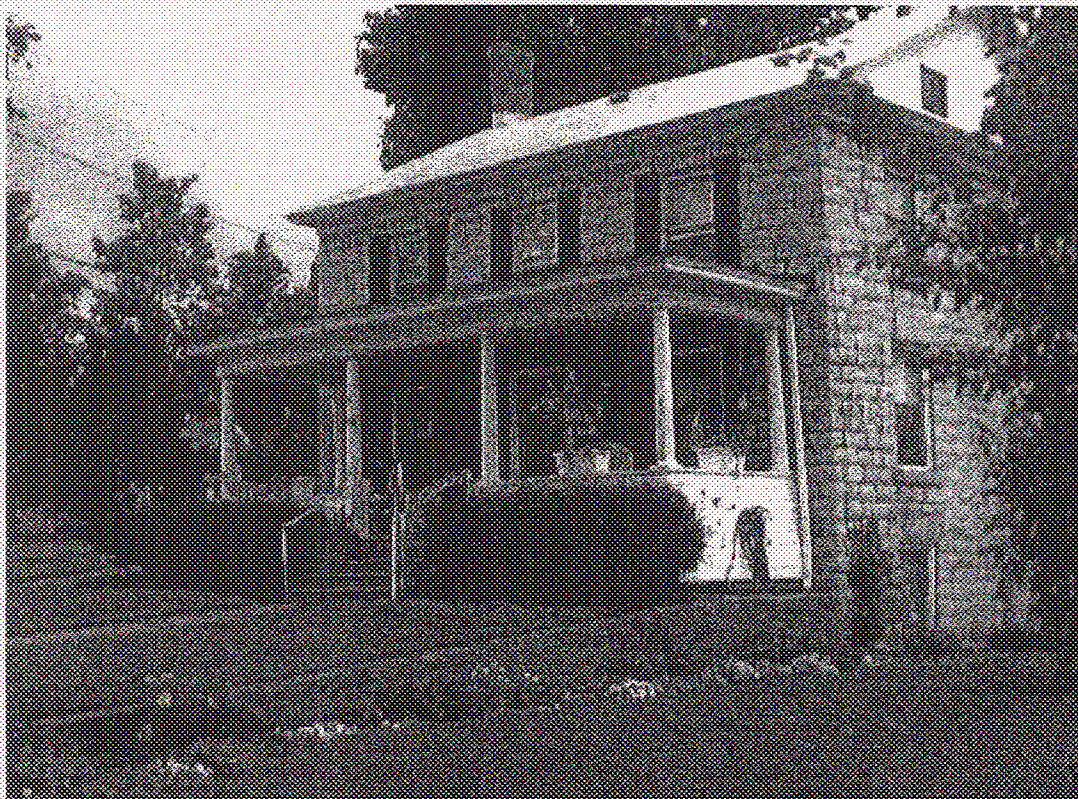
Picture 7

Picture 3

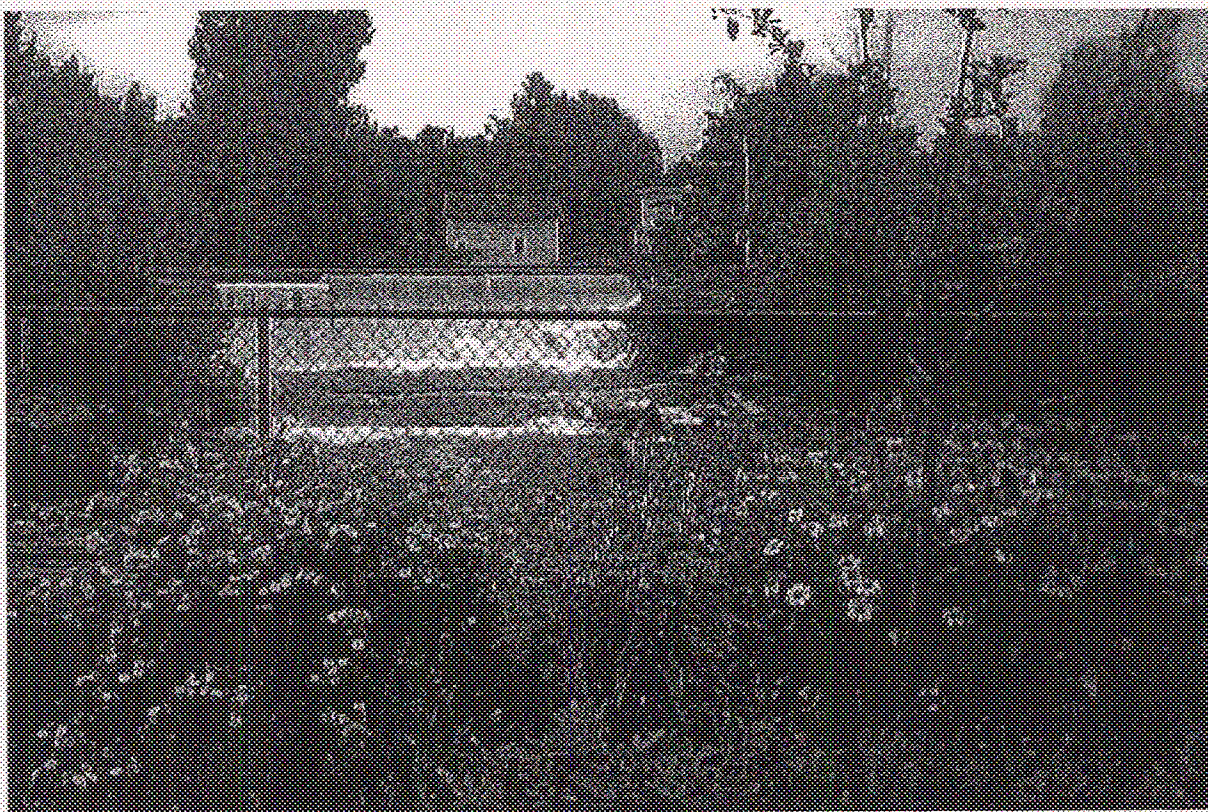
Picture 4

Picture 5









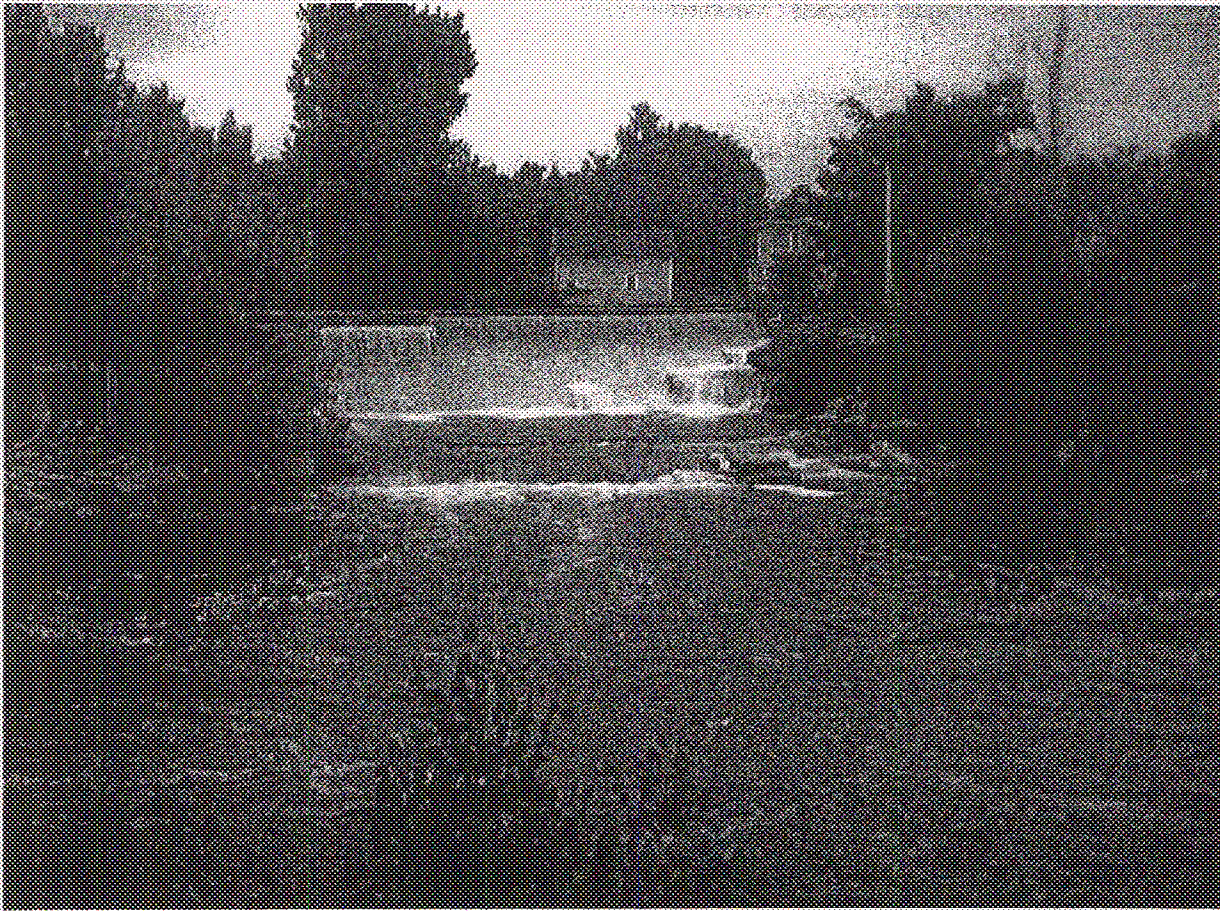




















## **EXHIBIT 3**

**(Public Services Information—Water and Sewer)**



## **The McHugh Report**

News from Congressman John M. McHugh

FOR IMMEDIATE RELEASE  
July 2, 2003

Contacts: Dana Johnson  
Deborah Martinez

### **REP. McHUGH: USDA AWARDS VILLAGE OF BLACK RIVER \$75,000 GRANT**

WASHINGTON – The Village of Black River has been selected by U.S. Department of Agriculture's (USDA) Rural Development Office to receive \$75,000 in federal funding for a water and wastewater project to repair several leaks in the village's water main, according to Rep. John M. McHugh (R-NY). The upgrade to the village water system will serve 570 residential users.

"This funding is vital to ensuring consistent water supply to residents in Black River. I could not be more thrilled by this announcement," Rep. McHugh said. "Clearly, this project will raise the quality of life for this community."

Water and Waste Disposal Grants are distributed through USDA's Rural Utilities Service Program, which provides rural business and households with modern telecommunications, electric power and water service. Priority is given to low income communities and to public entities in areas smaller than 5,500 people to restore a deteriorating water supply, or to improve, enlarge, or modify a water facility or an inadequate waste facility.

[Back](#)



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## ALL NEWS

Monday, January 17, 2005

### TOP STORIES

ALL NEWS

Central New York

Oswego County

Rome/Mohawk Valley

Tompkins/Cortland  
County

Watertown/North  
Country

SPORTS

WEATHER

TRAFFIC

CLOSINGS

FEATURES

HEALTH

LOCAL BUSINESS

IN OUR COMMUNITY

IN YOUR  
NEIGHBORHOOD

STORY LINKS

VIDEO STORIES

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**1-866-4NEWS10**



### Wright secures 50K for Village of Black River water lines

Updated: 12/23/2004 2:46 PM

By: News 10 Now Staff

Fifty thousand dollars is on its way to the Village of Black River. Senator Jim Wright says he's securing the money for the replacement of 100-year-old water lines in the village of Black River.

The lines, which will be exposed once the new bridge over the Black River is complete, must be replaced. Wright says the project will help strengthen the village infrastructure and reduce the cost burden to local taxpayers.

This is one of several projects the village is undertaking to upgrade its infrastructure in hopes of attracting more businesses and ensuring clean drinking water for its residents. The water lines are expected to be replaced by fall of 2005.



WATCH THE VIDEO

### 50K for Village of Black River water lines

Fifty thousand dollars is on its way to the Village of Black River. Senator Jim Wright says he's securing the money for the replacement of 100-year-old water lines in the village of Black River.

PLAY

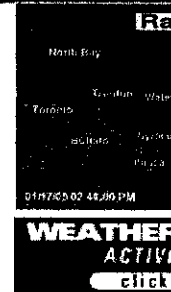
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Salon's  
Intense look

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your evening snack  
so, Joan has some  
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nibbling....



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## ***Success Stories: Route 3 Sewer Corridor More Than Half Completed***

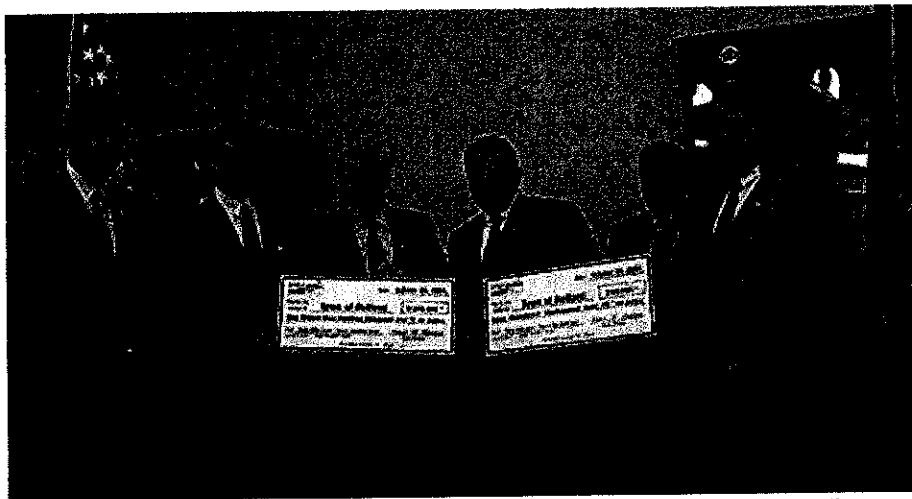
### **Outline of Need:**

In 1998, five communities – the Towns of Pamela, LeRay, Rutland, Champion, and the Village of Black River – formed an intermunicipal partnership to construct a sewer system along Route 3 and the Black River in Jefferson County, New York. The purpose of the Black River Community Development Initiative, as the collaboration is called, is to reduce pollution in the Black River and advance economic development in the area.

### **How Rural Development Helped:**

To date, USDA Rural Development has contributed \$12,878,400 in grants and \$475,000 in loans to the Route 3 Sewer Corridor project ([\*learn more about this program\*](#)). The Town of Champion received two Water and Waste Disposal Grants for \$1.9 million and \$2,962,500 and a loan for \$75,000. The Town of LeRay and Village of Black River jointly received a \$1,640,700 grant and a \$100,000 loan. Phase 1 of the joint endeavour between LeRay and Pamela was funded by a \$2.5 million grant and a \$100,000 loan; USDA Rural Development provided the Towns with a \$2,358,400 grant and another \$100,000 loan for Phase II. And this past fall, the Town of Rutland received a \$1.5 million grant and \$100,000 loan. Other funding partners include the New York State Environmental Facilities Corporation, the New York State Environmental Quality Bond Act, and Senator James Wright, who contributed a member item.

### **The Results:**



*Pictured from left is: USDA Rural Development State Director Patrick Brennan, Congressman John McHugh, Rutland Town Supervisor Pat O'Donnell, Environmental Facilities Corp. President Tom Kelly, LeRay Town Supervisor Ron Taylor, Senator James Wright, and Rural Development Manager, Carol McDonald.*

The municipalities have received \$18 million of \$27 million in commitments that are needed to complete the project. With this year's awards to the Town of Rutland, the Route 3 Sewer Corridor is over halfway finished, but two more phases require funding. Sewer lines have been installed along Route 3 in the hamlet of Great Bend, and Towns of Pamela, Champion and LeRay. As a result of this

infrastructure, residential developments are being planned, which are important to the nearby military base, Ft. Drum. Over the next year, Ft. Drum is expecting an influx of thousands of more soldiers, all of who needs housing for themselves and their families. There have also been recent proposals for business development along the corridor. Furthermore, as an outgrowth of the project, the Town of Champion received over \$250,000 in loans from USDA Rural Development in 2004 for extensions of water and sewer lines. An area of the Town is being subdivided for residential use, and without these extensions, residential development would not be possible.

The Route 3 Sewer Corridor also benefits the local environment, and a clean environment encourages economic development. In the summer of 2004, the Sewer Board reported having collected and treated over 4 million gallons of waste that would have otherwise polluted the Black River. When completed, the sewer system will collect and treat 5.5 million gallons of waste a month. The Black River is an important asset to the economy of Northern New York and the Northeast United States. It is the source of water for the City of Watertown, part of the Great Lakes Basin and Erie Barge Canal, and is a destination for world class kayaking and fishing.

The Black River Sewer Board, comprised of elected officials from the four towns and village, received the Jefferson County Water Quality Award this past fall for its role in significantly improving the quality of the Black River. The Board also developed a DVD outlining the initiative's design and principles. USDA Rural Development uses the project as a model because of its intermunicipal partnership, which can be replicated or adapted by other municipal governments to stimulate community and economic development in their areas, and for its DVD.

(December 2004)

► [Success Stories Home Page](#)

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[Rural Development News and Information](#) | [Utilities Programs Press Room](#) | [Accessibility Statement](#)

Rural Development is within the U.S. Department of Agriculture and administers rural business, cooperative, housing, utilities and community development programs.



## **EXHIBIT 4**

**(Black River Post Office Information)**

[Home](#)

## ZIP Code Lookup

### All ZIP Code™ Results for City/Town

[New Search for ZIP Code >](#)

BLACK RIVER NY is associated with the following ZIP Code(s):

ZIP Codes  
13612

ZIP Code Status  
ACCEPTABLE (DEFAULT)

ZIP Code Type  
STANDARD

[New Search for ZIP Code >](#)

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Calculate postage for your letter or package online!

[Rate Calculator](#)

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#### [Address Information Services \(AIS\) Product](#)

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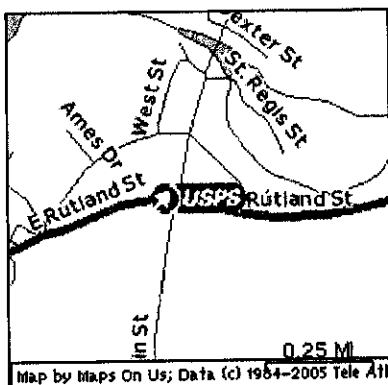
Inspector General  
Promoting Integrity

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## Locator

powered by **Switchboard**

### Post Office Details

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#### Post Office - Black River

28553 State Route 3 Phone: (315) 773-5000  
Black River, NY 13612-9998 Toll-free: (800) 275-8777

TTY Service for the hearing impaired only:  
1-888-877-7833

[Enlarge Map](#) | [Driving Directions](#) | [What's Nearby](#)

#### Hours:

Regular Business Hours:	Last Collection:
MO 08:00-11:00AM 12:00-05:00PM	MO 05:30PM
TU 08:00-11:00AM 12:00-05:00PM	TU 05:30PM
WE 08:00-11:00AM 12:00-05:00PM	WE 05:30PM
TH 08:00-11:00AM 12:00-05:00PM	TH 05:30PM
FR 08:00-11:00AM 12:00-05:00PM	FR 05:30PM
SA 08:00-12:00PM	SA 12:00PM

#### Business Types

- Post Offices



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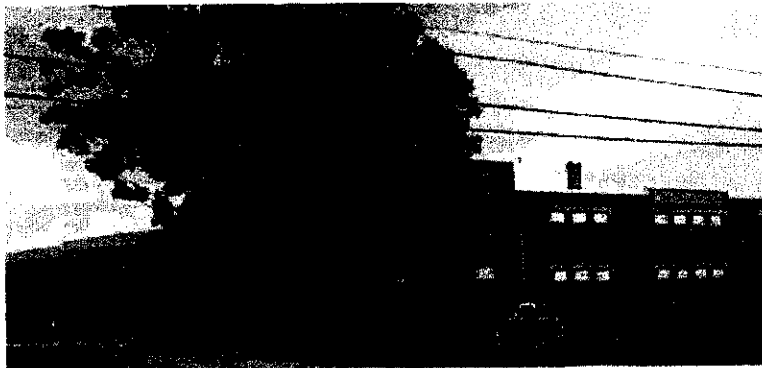
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## **EXHIBIT 5**

**(Profile of Black River Elementary School)**



**160 Leray Street  
Black River, New York 13612  
Phone: 315-773-5911**

**Principal: Dr. James Newell**

**[Mapquest Directions Here](#)**

## **MISSION STATEMENT**

**"Black River Elementary guides each child to develop the skills, attitudes and love of learning necessary to become successful in a changing and diverse society."**

[Calendar of Events](#)[District Information](#)[Food Services](#)[Transportation](#)[Home](#)

► [Library Resources](#) ► [News & Assignments](#) ► [NY State Report](#) ► [PTO](#)  
► [Registration Info](#) ► [School Profile](#) ► [Staff & Faculty](#) ► [Black River Elm. Home](#)

## *School Profile*

Black River Elementary is a K-5 elementary school located on Leray Street in the village of Black River. It is one of the three elementary schools in the Carthage School District and serves approximately 450 students from the villages of Black River and Felts Mills, townships of Rutland, LeRay, Champion, portions of the hamlet of Great Bend and many of the military housing units on Fort Drum. Students come to Black River from the local communities as well as schools across the nation and overseas.

Approximately one half of the students at Black River are military dependents and give the school, its students and staff, a global perspective, racial and ethnic diversity and many unique advantages. In addition, Black River Elementary serves a wide range of special needs students and provides a continuum of special education services from consultant teachers, support services such as speech, counseling, social work, occupational therapy, and physical therapy, to full time special education classes.

The original building was constructed in 1928 and served students in grades K-12. Black River became an elementary school in 1958. A major addition and complete renovation project was undertaken in 1987 and completed in 1988. The building currently offers spacious, modern classrooms, a well equipped library, a three station gymnasium, a PTO sponsored bookstore, cafeteria with stage, fully equipped computer lab, ample playing fields and recently installed playground equipment.

The curriculum has been revised and aligned to reflect the New York State Learning Standards and it emphasizes the development of basic literacy skills, for example, reading, writing, listening and speaking, math, social studies and science. An important emphasis is also placed upon providing students a well rounded curriculum with exceptionally strong programs in music, physical education and art. Black River students do well on state assessments with high percentages of the students meeting state standards in language arts and math year in and year out.

Black River provides students a safe and nurturing environment with a well designed program of classroom management and student discipline. Values such as responsibility, respect, citizenship, service to others and patriotism are emphasized and reinforced regularly through student recognition programs and special events such as Veteran's Day and Flag Day.

The Parent-Teacher Organization of Black River Elementary is very active and supportive. One major fund-raiser is held each year to support the school bookstore, school assemblies, field trips, book author visits and extra performing arts programs. PTO also provides educational programs for parents, roller skating parties and movie nights for students.

The community of Black River is actively involved in the school operation and programs, providing support in a variety of ways. The Black River Free Library, the VFW, the American Legion, Black River Kiwanis Club, Bethany Masonic Lodge, the local churches, the fire department, local ambulance squad and the village take pride in the Black River school and do their best to support and value teachers, staff and students.

The real strength of the school, however, is in its teachers. A current fifth grader summed up the feelings of many when he described Black River teachers as "not just great teachers but great people and role models."

## **EXHIBIT 6**

**(Historical Information on Education in the Village of Black River)**